



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

North Herts District Council

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

In 2006/07 I received 20 complaints against the Council, the same as the previous year's total.

Character

The spread of complaints has changed very little since the year before, although complaints about transport & highway matters rose to four and 'other' complaints (of which there were two: one about anti-social behaviour and one about environmental health) dropped. As in recent years, the majority (8) concerned planning and building control matters. Seven of these related to planning applications. The remaining complaints concerned benefits (council tax benefit), housing (homelessness), and public finance (local taxation).

Decisions on complaints

Reports and local settlements

In 2006/07 I made decisions on 19 complaints against the Council. I found no or insufficient evidence of fault to warrant my further involvement in three cases and used my discretion not to pursue a complaint on four occasions. Three complaints were outside my jurisdiction to investigate and in five cases the Council had not had a reasonable opportunity to deal with the matter before I became involved.

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report. I did not issue a report against the Council this year but I concluded four local settlements. These settlements related to complaints about planning and local taxation.

In one settlement, the Council erroneously published on its website that the complainant's planning application had been refused. This caused embarrassment to the complainant, who was telling his neighbours the opposite. The Council corrected its error. In another, the Council told the complainant it would undertake an assessment of the impact on light to her home of her neighbours' extension, and would provide her with a copy. It was unclear whether the test was done: certainly, a copy was not and could not be provided. I could not say that the extension would not have been built, if the test had been done and provided to the complainant, but the complainant did suffer uncertainty and time and trouble as a result of the fault.

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In a benefits case, the Council pursued recovery of overpayments despite being aware of a pending judgement of the House of Lords on recovery in circumstances similar to those of the complainant. The Council accepted it should have held back until a decision had been made by the House of Lords. The Council helpfully agreed to settle the complaint by meeting with the complainant to address his concerns about his benefit entitlement. It also agreed to write off the overpayment. In another benefits case, the Council had failed to contact the complainant for seven years about council tax arrears. It then gave her 24 hours to pay an outstanding debt before using bailiffs to pursue the debt.

In addition to resolving particular issues raised, the Council agreed to make compensation payments totalling £1,000. In agreeing or proposing settlements, I have been generally impressed with the Council's willingness to seek to remedy injustice at an early stage.

Your Council's complaints procedure and handling of complaints

Five complaints were referred back to the Council as premature. This is higher than previously, but reflects the picture nationally: 28% of all complaints are referred back to councils to consider before an Ombudsman may become involved.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

My target is to receive council's responses to my enquiries within 28 days. In the course of my investigations this year, I made 7 enquiries to the Council. The average response time was 46 days. The average time in receiving a response on planning complaints, 58 days, was particularly poor.

The Council's response times are disappointing, especially considering the Council's otherwise positive attitude to dealing with complaints. I am sure that you will recognise that any undue delay in being able to reach an initial view on complaints can cause additional distress to complainants, and feel confident that the Council will take appropriate steps to reverse this trend.

An officer from the Council attended my seminar for link officers in November 2006. I trust that this was helpful.

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LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond
Local Government Ombudsman
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

| Complaints received by subject area | Benefits | Housing | Other | Planning & building control | Public finance | Transport and highways | Total |
|--|----------|---------|-------|-----------------------------------|-------------------|------------------------------|-------|
| 01/04/2006 - 31/03/2007 | 2 | 2 | 3 | 8 | 2 | 3 | 20 |
| 2005 / 2006 | 1 | 2 | 5 | 8 | 3 | 1 | 20 |
| 2004 / 2005 | 0 | 5 | 4 | 8 | 6 | 0 | 23 |

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Premature complaints | Total excl premature | Total |
|-------------------------|---------|----|--------|---------|--------|----------|-------------------------|-------------------------|-------------------------|-------|
| 01/04/2006 - 31/03/2007 | 0 | 4 | 0 | 0 | 3 | 4 | 3 | 5 | 14 | 19 |
| 2005 / 2006 | 0 | 2 | 0 | 0 | 11 | 1 | 5 | 2 | 19 | 21 |
| 2004 / 2005 | 0 | 2 | 0 | 0 | 5 | 2 | 1 | 6 | 10 | 16 |

See attached notes for an explanation of the headings in this table.

| Response times | FIRST ENQUIRIES | |
|-------------------------|---------------------------|-------------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 01/04/2006 - 31/03/2007 | 7 | 46.0 |
| 2005 / 2006 | 8 | 29.8 |
| 2004 / 2005 | 8 | 23.0 |

Average local authority response times 01/04/2006 to 31/03/2007

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|-----------------|-------------------|------------------|
| District Councils | 48.9 | 23.4 | 27.7 |
| Unitary Authorities | 30.4 | 37.0 | 32.6 |
| Metropolitan Authorities | 38.9 | 41.7 | 19.4 |
| County Councils | 47.1 | 32.3 | 20.6 |
| London Boroughs | 39.4 | 33.3 | 27.3 |
| National Park Authorities | 66.7 | 33.3 | 0.0 |